

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

State of Arizona, *ex rel.* Kristin K.
Mayes, Attorney General; *et al.*,

Plaintiffs,

v.

Michael D. Lansky, L.L.C., dba Avid
Telecom; *et al.*,

Defendants.

No. CIV 23-233-TUC-CKJ

ORDER

Pending before the Court is the Motion for Leave (Doc. 136) filed by Defendants Michael D. Lansky, *et al* ("Avid"). Avid seeks leave to file a reply two days past the deadline. The Motion indicates Plaintiffs do not take a position on the issue.


Plaintiffs' response was filed on August 14, 2025, and Avid asserts it incorrectly calculated a ten (10) day reply deadline of August 28, 2025. However, a ten (10) day reply deadline would have been August 25, 2025. *See* Fed.R.Civ.P. 6(a)(1) ("When the period is stated in days . . . count every day, including intermediate Saturdays, Sundays, and legal holidays; and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday."). With a seven (7) day reply deadline, the reply was due on August 21, 2025.

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Nonetheless, the Court will grant this request, *see e.g., Pincay v. Andrews*, 389 F.3d 853, 858 (9th Cir. 2004) (discussing excusable neglect), and accepts the Reply (Doc. 137).

Accordingly, IT IS ORDERED the Motion for Leave (Doc. 136) is GRANTED and the Court accepts the Reply (Doc. 137).

DATED this 28th day of August, 2025.


Cindy K. Jorgenson
United States District Judge